

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ROGER STEWART,

4 Plaintiff

Case No. 3:19-cv-00022-RCJ-WGC

ORDER

5 v.

6 RENEE BAKER et al.,

7 Defendants  
8

9 **I. DISCUSSION**

10 On January 16, 2019, Plaintiff, a prisoner in the custody of the Nevada Department  
11 of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C. § 1983 but  
12 did not submit an application to proceed *in forma pauperis* or pay the full filing fee for a  
13 civil action. (ECF Nos. 1-1, 1-2). On January 17, 2019, this Court issued an order  
14 directing Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay  
15 the full filing fee within 30 days from the date of that order. (ECF No. 3). Plaintiff  
16 subsequently filed an application to proceed *in forma pauperis* but did not file a properly  
17 executed financial certificate or an inmate account statement. As such, this application  
18 is incomplete.

19 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
20 application to proceed *in forma pauperis* and attach both an inmate account statement  
21 for the past six months and a properly executed financial certificate. The Court will retain  
22 Plaintiff's civil rights complaint (ECF Nos. 1-1, 1-2), but will not file it until the matter of the  
23 payment of the filing fee is resolved. Plaintiff will be granted one final opportunity to cure  
24 the deficiencies of his application to proceed *in forma pauperis* by filing a properly  
25 executed financial certificate and an inmate account statement, or in the alternative, pay  
26 the full filing fee for this action. If Plaintiff fails to file a properly executed financial  
27 certificate and an inmate account statement, the Court will dismiss the case in its entirety,  
28 without prejudice, to file a new case when Plaintiff is able to acquire the necessary

1 documents to file a complete application to proceed *in forma pauperis*.

2 The Court also denies Plaintiff's request for U.S. Marshal service (ECF No. 5) as  
3 premature. The Court will issue an order regarding service when it is procedurally  
4 applicable to do so.

5 **II. CONCLUSION**

6 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
7 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
8 as the document entitled information and instructions for filing an *in forma pauperis*  
9 application.

10 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
11 Plaintiff will either: (1) file a properly executed financial certificate and inmate account  
12 statement in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a  
13 civil action (which includes the \$350 filing fee and the \$50 administrative fee).

14 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file a properly executed  
15 financial certificate and an inmate account statement, the Court will dismiss the case,  
16 without prejudice, for Plaintiff to file a new case when he is able to acquire the necessary  
17 documents to file a complete application to proceed *in forma pauperis*.

18 IT IS FURTHER ORDERED that the motion requesting U.S. Marshal service (ECF  
19 No. 5) is denied as premature.

20  
21 DATED: January 22, 2019.

22 

23 UNITED STATES MAGISTRATE JUDGE  
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